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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 IN RE: UBER TECHNOLOGIES, INC.,
22 PASSENGER SEXUAL ASSAULT
23 LITIGATION

Case No. 3:23-md-03084-CRB

24 This Document Relates to:
25 ALL ACTIONS
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28 **DEFENDANT UBER TECHNOLOGIES,
INC. AND RAISER, LLC'S OBJECTIONS
TO SPECIAL MASTER PRIVILEGE
DETERMINATIONS FOR CUSTODIANS
SULLIVAN, FULDNER, AND CINELLI –
PURSUANT TO SPECIAL MASTER
ORDER NO. 2 (DKT. 2357) § III(8)**

Pursuant to Special Master Order No. 2 (Dkt. 2357) § III(8), Defendants Uber Technologies, Inc. and Raiser, LLC (“Uber”) respectfully submit their first set of objections to the Special Master Privilege Determinations for Custodians Sullivan, Fuldner and Cinelli (“Privilege Determinations”), dated March 17, 2025, and the Special Master Report of Privilege Determinations and Order, entered on March 18, 2025.¹ See Dkt. 2529. The Special Master determined that 20 of the 155 documents reviewed are not privileged, while upholding the privilege assertion as to 60 documents and permitting Uber’s proposed redactions or recommending new redactions as to 50 documents. Defendants object to the determinations as to a small number of those documents. Specifically, Defendants respectfully request that the Special Master modify the Privilege Determinations for three documents to permit limited redactions of privileged information that may not have been apparent during the Special Master’s review given the manner in which these spreadsheets are displayed in the review platform through which the Special Master is viewing the documents in camera.

At issue here are three documents that the Special Master determined were not privileged in their entirety: JCCP_MDL_PRIVLOG000887, JCCP_MDL_PRIVLOG000909, and JCCP_MDL_PRIVLOG001338. Defendants do not challenge the Special Master’s overall assessment of those documents. However, as explained below, even if Defendants are not permitted to withhold these documents in their entirety, Defendants should be permitted to redact discrete privileged information contained within the larger document.

JCCP_MDL_PRIVLOG000887 is a multi-tab Excel file that includes a comment in the tab for “Critical Source A (Summary)” that specifically discusses seeking legal advice from an Uber in-house attorney (Jennifer Handley). The comment within this multi-tab Excel file is viewable as part of the

¹ On March 20, 2025, the Special Master granted Defendants’ request for an extension of the deadline to allow objections to the Order to be asserted on a rolling basis commencing on Friday, March 21, and concluding on Monday, March 24.

1 “hidden content” on the Relativity review platform and may not have been immediately visible during
2 the Special Master’s review. Defendants should be permitted to redact this comment, which evinces
3 an intent to seek legal advice.

4 JCCP_MDL_PRIVLOG000909 is a multi-tab Excel file that contains discrete legal advice
5 found in the “Documentation” tab at cells A10, A11, A14, and A32, including specific references to
6 discussions with the legal department. Even if the entire document is not considered privileged,
7 Defendants should be permitted to make limited redactions to protect this privileged information
8 contained in these cells.
9

10 Likewise, JCCP_MDL_PRIVLOG001338 is a multi-tab Excel file that contains discrete legal
11 advice found in the “Documentation” tab at lines 19 and 38. Even if the entire document is not
12 considered privileged, Defendants should be permitted to make limited redactions to protect this
13 privileged information.
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CONCLUSION

15 For the reasons above, JCCP_MDL_PRIVLOG000887, JCCP_MDL_PRIVLOG000909, and
16 JCCP_MDL_PRIVLOG001338 contain discrete privilege information, and the Special Master should
17 permit Defendants to redact prior to production.
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1 DATED: March 21, 2025

Respectfully submitted,

2 **SHOOK HARDY & BACON L.L.P.**

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

/s/ Michael B. Shortnacy
MICHAEL B. SHORTNACY